

**FILED**

**DEC 31 2008**

**CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

BY DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

CR.S-95-0540-WBS

Plaintiff,

vs.

DETENTION ORDER

(Violation of Pretrial Release, Probation or  
Supervised Release)

TERRY GENE FRYAR,

Defendant.

☒ After a hearing pursuant to 18 U.S.C. § 3148 (violation of pretrial release order), the court finds:

☐ There is probable cause to believe the person has committed a federal, state or local crime while on release and the defendant has not rebutted the presumption that his release will endanger another or the community or

☒ There is clear and convincing evidence that the defendant has violated another condition of release and

☒ based on the factors set forth in 18 U.S.C. § 3142 (g) there is no condition or combination of conditions of release that will assure that the defendant will not flee or pose a danger to the safety of another person or the community or

☒ the person is unlikely to abide by any condition or combination of conditions of release. F.R.Cr.P. 32.1(a)(D),46(c), 18 U.S.C. § 3148.

☐ Pursuant to F.R.Cr.P.32.1(a) and 46(c) and 18 U.S.C. § 3143 (violation of probation or supervised release) the court finds defendant has not met his burden of establishing by clear and convincing evidence that he will not flee or pose a danger to another person or to the community.

1 IT IS ORDERED that pursuant to 18 U.S.C. § 3142(I)(2)(4) defendant is committed to the  
2 custody of the Attorney General for confinement in a corrections facility separate, to the extent  
3 practicable, from persons awaiting or serving sentences or being held in custody pending appeal.  
4 The defendant shall be afforded reasonable opportunity for private consultation with his counsel.  
5 Upon further order of a court of the United States or request of an attorney for the United States the  
6 person in charge of the corrections facility in which defendant is confined shall deliver defendant  
7 to a United States Marshal for the purpose of an appearance in connection with a court proceeding.  
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Dated:

12/31/08

  
EDMUND F. BRENNAN,  
UNITED STATES MAGISTRATE JUDGE